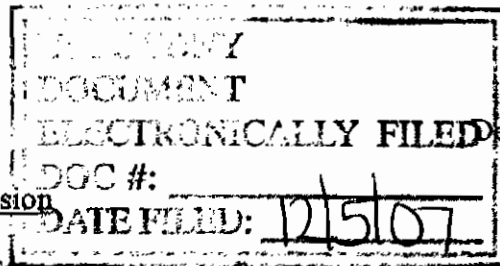


MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

David M. Pollack  
Assistant Corporation Counsel  
Special Federal Litigation Division  
Tel.: (212) 788-1894  
Fax: (212) 788-9776



By Facsimile Transmission

(212) 805-7925

Honorable Robert W. Sweet  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

S ordered  
Sweet VS DS  
12.4.07

Re: Stewart Gittens, Jr., v. City of New York, et al., 07 CV 9871 (RWS)

Dear Judge Sweet:

I am the Assistant Corporation Counsel handling the defense of this action on behalf of Defendant City of New York (the "City"). I am writing with the consent of plaintiff's counsel, Michael Spiegel, Esq., to respectfully request a *nunc pro tunc* sixty-day enlargement of time from December 3, 2007 to February 1, 2008 within which time this office shall answer or otherwise respond to the complaint filed in this action. We apologize for the tardiness of this request. This is the City's first request for an enlargement of time in this action.

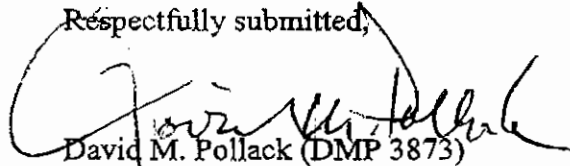
The complaint was filed on November 07, 2007 and alleges, *inter alia*, that plaintiff was subjected to false arrest and malicious prosecution. In addition to the City of New York, plaintiff purports to name Police Officer Kenneth Fischer and John Does as defendants<sup>1</sup>. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and determine if Officer Fisher has been served. Assuming the Officer has been served, we must determine if the Officer wishes to be represented by this Office and whether this Office can represent Officer Fischer. The enlargement of time will afford us the opportunity to more fully investigate the matter and gather the documents and information necessary to file a responsive pleading.

<sup>1</sup> While we do not presently represent Officer Kenneth Fisher and it appears he has not yet been served, we respectfully request this enlargement on his behalf as well so as to preserve his rights while representational issues are being resolved.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until February 1, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



David M. Pollack (DMP 3873)  
Assistant Corporation Counsel

cc: By Facsimile Transmission  
(212) 571-7767  
Michael Spiegel, Esq.  
Attorney for Plaintiff  
111 Broadway, Suite 1305  
New York, NY 10006